

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARIAN MARIE MEREDITH,)
)
Plaintiff,)
)
v.) Case No. 4:15CV1007 CDP
)
ROBERT MCDONALD, Secretary,)
Department of Veterans Affairs,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Marian Marie Meredith moves for the appointment of counsel to assist her in this employment discrimination action. Because plaintiff has demonstrated an adequate ability to present her claims to this Court, I will deny the motion.

Plaintiff brings this employment discrimination action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.* Plaintiff now seeks the appointment of counsel to assist her with her claims. In deciding whether to appoint counsel for an indigent plaintiff, I should consider relevant factors, including the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, and the ability of the indigent to present her claims. *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998).

The facts of this case are not complex. Plaintiff alleges that she was discriminated against in her employment on account of her race and age and in retaliation for her complaints of discrimination. A reading of the complaint shows that plaintiff is able to investigate crucial facts. She has adequately identified the circumstances giving rise to her claims and the bases upon which she contends she is entitled to relief. With respect to the existence of conflicting testimony, I note that this case is in its preliminary stages. Whether and to what extent conflicting testimony exists with respect to the substance of plaintiff's claims will be evident upon further proceedings in the case. Finally, the complexity of the legal issues does not merit an appointment of counsel at this time. As set out above, plaintiff claims that she was unlawfully discriminated in her employment and suffered retaliation. These matters do not involve overly complex issues of law.

Because the factual nature of this case is not complex and plaintiff has provided the Court with details giving rise to her claims, I find that plaintiff is able to adequately present her claims to the Court.

Therefore, for all of the foregoing reasons,

IT IS HEREBY ORDERED that plaintiff Marian Marie Meredith's Motion for Appointment of Counsel [ECF #4] is denied without prejudice.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2015.